

CALIFORNIA APPRENTICESHIP COUNCIL

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**CALIFORNIA APPRENTICESHIP COUNCIL FOURTH QUARTERLY
MEETING MINUTES**

Thursday– October 28, 2010

**I. CONVENE REGULAR QUARTERLY MEETING TO ORDER IN ORDER
TO RECESS TO CAC EXECUTIVE SESSION**

CAC Chairperson Les DenHerder called the meeting to order at 11:10 a.m.

A. Roll Call

The following Commissioners were present: Les DenHerder, Scott Gordon, Dina Kimble, Julia Dozier, John Foster, Jose Millan, Wayne Lindholm, Aram Hodess, Carl Goff, Richard Harris, Kate Leyden, Pat McGinn, Donna Bechthold, Anne Quick, Jack Buckhorn, Acting Chief Glen Forman, David Rowan, Chief Deputy Director Department of Industrial Relations, and John Duncan, Director of Department of Industrial Relations.

Members absent: Neil Struthers

A quorum was met.

B. The meeting was immediately adjourned to CAC Executive Session.

Thursday– October 28, 2010 (reconvened)

II. EXECUTIVE SESSION – Executive Boardroom

The Council recessed to a closed executive session pursuant to Government Code §11123(q) to discuss litigation to which the Council is or may become a party.

A. OATELS – De-recognition Proceedings 29 CFR 29.13

B. Plumbing-Heating-Cooling Contractors of the Greater Sacramento Area Plumbers Unilateral Apprenticeship Committee vs. California Apprenticeship Council and the Kern, Inyo & Mono Counties Plumbing, Pipefitter & Refrigeration/Air Conditioning Mechanic Joint Apprenticeship and Training Committee. Superior Court Case No. 34-2009-80000393

Thursday– July 29, 2010 (continued)

- C. California Correctional Peace Officers Association, a California nonprofit mutual benefit corporation, vs. California Apprenticeship Council and John Duncan, in his official capacity as the Administrator of Apprenticeship; the Division of Apprenticeship Standards; the California Department of Corrections and Rehabilitation. Case # 2009 – 80000379; CAC 2009-C2
- D. Air Conditioning Trades Association Unilateral Apprenticeship Committee vs. California Apprenticeship Council, San Joaquin County Superior Court, Case No. 3902010-800000379; CAC 2009-C2
- E. Southern California Cement Masons Joint Apprenticeship Committee, and San Diego County Cement Masons, Joint Apprenticeship Committee vs. California Apprenticeship Council, San Francisco Superior Court, Case No. CPG-10-510485, filed June 2, 2010

III. RECONVENE QUARTERLY CAC MEETING

- A. Pledge of Allegiance
- B. Roll Call

The following Commissioners were present:

Les DenHerder, Scott Gordon, Dina Kimble, Julia Dozier, John Foster, Richard Harris, Kate Leyden, Pat McGinn, Donna Bechthold, Jose Millan, Wayne Lindholm, Aram Hodess, Carl Goff, Anne Quick, Jack Buckhorn, Acting Chief Glen Forman, and David Rowan standing in for DIR Director, John Duncan

Members Absent: Neil Struthers

A quorum was met.

- C. Approval of July 29 – 30, 2010 minutes

- 1. Alex Beltran, Northern California Glaziers commented that his program and the electricians sent out an appeal on the Renewable Power Solutions Inc. He stated that his appeal was never documented in the minutes. Mr. Forman will send him a copy of the letter along with another response. Legal counsel, Fred Lonsdale stated that it will be on the January agenda due to the timeliness of the letter. Chairman DenHerder stated that the issue was not related to the minutes and would be addressed when it was presented before the Council at the January meeting.

A motion and a second were made to approve the minutes. All were in favor. The motion carried.

- D. Announcements

Chairman DenHerder announced that Commissioners Kate Leyden, Anne Quick and Pat McGinn have been selected as the nominating committee for the next CAC Chairperson for 2011. The results will be announced at tomorrow's meeting.

E. Communications

1. Letter from Lucy Wang, Attorney Generals' office recommending the CAC to hold a closed executive session for the October meeting.
2. Letter from Mark Watcher regarding an appeal in the Matter of Findings of Fact on the Application of Renewable Power Solutions.

IV. BUSINESS SESSION

A. Legal Matters – Lucy Wang

1. Lucy Wang, Deputy Attorney General, San Francisco reported in the matter of Plumbing-Heating-Cooling Contractors of the Greater Sacramento Area Plumbers Unilateral Apprenticeship Committee vs. California Apprenticeship Council and the Kern, Inyo & Mono Counties Plumbing, Pipefitter & Refrigeration/Air Conditioning Mechanic J.A.T.C. that there is a hearing scheduled on a writ of mandate filed. The hearing will be on November 5, 2010. She will give a report at the next CAC meeting in January.
2. Ms. Wang also reported in the matter of the Southern California Cement masons J.A.T.C. that was filed in San Francisco Superior Court. A hearing has been scheduled for February 9, 2011.

B. CAC Appeal Panel Decisions

1. In the matter of Brian Benward vs. Decorating J.A.T.C. Of The Bay Area, Inc. Appeal panel Chairperson Julia Dozier reported that Mr. Benward was terminated from his program during his probation period. Ms. Dozier reported that the only time an appeal can be overturned is if the termination is for a reason that is illegal under the Labor Code or where the program's rules or standards explicitly give the probationary apprentice some right so that the denial of the right becomes a violation of that program's particular standards; neither of these were present. The appeal panel denied the appeal. Ms. Dozier recommended that the Council adopt the decision on appeal.
A motion and a second were made to adopt the decision of the appeal panel in the matter of Brian Benward vs. Decorating J.A.T.C. Of The Bay Area, Inc. All were in favor. The motion carried.

C. Apprentice Complaint Findings / Decisions by the Administrator of Apprenticeship

Acting Chief Glen Forman reported on the following Complaint Findings:

1. Darnell Duree vs. San Mateo County Joint Apprenticeship Training Committee for the Electrical Construction Industry. Chief Forman reported that DAS has not received an appeal.

D. Automatic Orders of the Council

1. Acting Chief Glen Forman reported that there were no Automatic Orders of the Council at this time.

E. Notice of Appeals the Council During the Quarter

Acting Chief Glen Forman reported that DAS did receive one but was not received in a timely manner to added to the agenda

F. DAS Audit Reports – Rachel Freeman was not in attendance and Acting Chief Glen Forman gave the following report.

1. There are six audit reports being presented at this meeting and reported that the CDCR Audit Report is now complete.
2. There are three audit reports I the final stages of completion and will be complete by the end of the month.
3. There are six regular open audit, six follow-ups are complete and seven regular audits closed. In summary, the audit department has 78 regular and 96 simplified audits closed and complete from late 2007 to present.
4. Further details of the report are in the Chief's Report and will be posted on the website and attached to these minutes.

G. Old Business

Acting Chief Glen Forman reported that there is no old business at this time.

H. New Business

1. Proposed language for Labor Code Section 1777.1

This has been postponed until the next meeting.

2. MITC Approvals

DAS Area Administrator, Renee Bacchini reported that a meeting was held on June 8, 2010 with DIR Director John Duncan, Paul Feist of the Labor Agency, directors from USGBC, the Building Standards Commission, and DPR Construction along with Committee Chairpersons for the Minimum Industry Training Criteria. The purpose of the meeting was to discuss the importance of getting components of "green" into apprenticeship training. She continued her report with the new outreach campaign "I Built It" - Green which is another way to move forward implementing "green" components in apprenticeship. She presented the Council with the MITCs from the 23 committees. Ms. Bacchini stated that the MITC could be approved or accepted today. If it is accepted by the Council, the committee for that craft will have an opportunity to make any changes before the next meeting. At which time the CAC can take action to approve the MITCs. After discussion the public will have an opportunity to review the MITCs before they are approved by the Council. Chairperson DenHerder stated that the Council will hear from each trade and a motion will be

made to accept the MITCs and the approval process will continue at the next CAC meeting.

A motion and a second to accept all the MITCs as presented and continue the approval process at the next meeting was made. All were in favor. The motion carried.

Each craft had presented the “green” component of their Standards. The following crafts MITCs were accepted:

Air Conditioning and Refrigeration Industry
Carpenter Industry
Cement Mason Industry
Construction Craft Labor Industry
Electrical Industry
Field Ironworker Industry
Floor Covering Industry
Glazier, Architectural, Metal and Glass Workers Industry
Heat & Frost Insulators and Asbestos Workers Industry
Industrial Painter Industry
Landscape & Irrigation Pipefitter Industry
Masonry Industry
Operating Engineer Industry
Pipe Trades Industry
Plastering Industry
Plumbing Industry
Roofer & Waterproofing Industry
Sheet Metal Industry
Sheet Metal Industry
Sound and Communication Industry
Steamfitter & Pipefitter Industry
Surveyor Industry
Tile Industry

V. Forum

Rhonda S. Mills, Southern California Program Director for Center for Energy Efficiency & Renewable Technologies (CEERT), gave a presentation on renewable workforce needs. She had a PowerPoint with specific statistics as to what a number of projects, mainly in Southern California would need in terms of construction workers in the various trades. As she stated “while this does not cure the industries ills with this economy, it does help some specific areas”.

VI. EDUCATION AGENCIES REPORT

CALIFORNIA Community Colleges – Barry Noonan – report on the website.

VII. ADJOURNMENT

A motion and second were made to adjourn the meeting. All were in favor. The meeting adjourned at 4:45 p.m.

FRIDAY – July 30, 2010 (reconvened)

I. RECONVENE QUARTERLY CAC MEETING TO ORDER

A. Pledge of Allegiance was led by CAC Chairman Les DenHerder

B. Roll Call

The following Commissioners were present: Les DenHerder, John Foster, Dina Kimble, Julia Dozier, Jack Buckhorn, Richard Harris, Kate Leyden, Pat McGinn, Donna Bechthold, Jose Millan, Aram Hodess, Carl Goff, Anne Quick, Scott Gordon, Acting Chief Glen Forman, and Chief Deputy Director David Rowan.

A quorum was met.

The following Commissioners were absent: Neil Struthers and Wayne Lindholm.

C. Nominating Committee. Kate Leyden reported that Julia Dozier has been nominated as the 2011 Chair of the CAC. Their vote was unanimous. Commissioner Julia Dozier will take over as Chairperson of the CAC at the January 2011 meeting.

D. Announcements

Acting Chief Glen Forman reported there were no announcements at this time.

D. Communications

Acting Chief Glen Forman reported there were no communications at this time.

II. CAC STANDING COMMITTEE REPORTS

A. CAC/CCA Liaison Committee – Report from July 28, 2010 – CCA Liaison Co-Chair Jose Padilla – the report will be posted on the website.

B. Related Supplemental Instruction Committee – Report from July 28, 2010 – Chairperson Pat McGinn – the report will be posted on the website.

C. Legislation Committee – Report from July 28, 2010 – Chairperson Dina Kimble – the report will be posted on the website.

D. Public Relations & Publicity Committee – Report from July 28, 2010 – Chairperson Scott Gordon – the report will be posted on the website.

E. Equal Opportunity in Apprenticeship – Report from July 29, 2010 – Chairperson Julia Dozier – the report will be posted on the website.

F. Standards, Rules, Regulations & Operating Procedures – Report from July 29, 2010 – Chairperson Aram Hodess – the report will be posted on the website.

III. EDUCATION AGENCIES REPORT

A. California Department of Education – John Dunn
Mr. Dunn was not able to attend.

- B. California Community Colleges – Barry Noonan
The report will be posted on the website.

IV. REPORTS OF ADMINISTRATIVE and COOPERATING AGENCIES

Division of Apprenticeship Standards – Chief’s Report – Acting Chief Glen Forman – The report will be posted on the website.

- A. Office of Apprenticeship (OA) – Rick Davis; Department of Labor – the report is posted on the website.
- B. California Apprenticeship Coordinators Association (CACA) - Darell Lawrence – the report is posted on the website.
- C. California Association of the Advancement of Apprenticeship Training (CAAAT) Tracy Threlfall – the report is posted on the website.

V. Adjournment

There was a motion and a second to adjourn the meeting. All were in favor. The motion carried. The meeting adjourned at 9:45a.m.